

**SMALL ESTATE ADMINISTRATION PROCEEDINGS IN
THE PROBATE COURT OF RUTHERFORD COUNTY,
TENNESSEE.**

Estates to be administered under the provisions of Tenn. Code Ann. 30-4-101 et seq. (The Small Estates Act) may be heard by the Probate Judge or the County Clerk. Notice shall be given to all interested parties, including the surviving spouse and next of kin, of the fact the petitioner is filing a petition to be appointed personal representative of the estate under the small estate exemption. If notice is not provided bond may be required. The County Clerk may hear these matters provided the affidavit and all accompanying documents are in proper order, as determined by the County Clerk, and there are no questions of law to be determined. If there is a question of law or if the County Clerk, declines to act upon the affidavit, a hearing on the affidavit may be set on the court docket by the clerk. If bond is to be waived, consent forms executed by the spouse and all next of kin allowing the Affiant to administer the small estate without bond must accompany the affidavit.

Estates involving **real estate may not** be administered under the Small Estates Act.

SMALL ESTATE AFFIDAVIT
REQUIREMENT

1. THERE IS A 45-DAY WAITING PERIOD AFTER THE DATE OF DEATH
2. CERTIFIED COPY OF THE DEATH CERTIFICATE.
3. AFFIDAVIT FROM **ALL** THE HEIRS THAT ARE NOT JOINING IN THE SMALL ESTATE AFFIDAVIT.
4. LIST OF ALL OUTSTANDING DEBTS OWED BY THE DECEASED.
5. \$50,000.00 LIMITATION AND **NO** REAL PROPERTY.
6. **COURT COSTS:**
\$46.00 AFFIDAVIT FEE + \$54.85 LITIGATION FEE total \$100.85

IF BOND IS REQUIRED SEE INSURANCE COMPANY.
7. **COURT COSTS ARE PAYABLE IN CASH, CHECK OR CREDIT AND/DEBIT CARDS AT THE TIME OF FILING. NOTICE TO CREDITORS ARE PAYABLE BY CHECK ONLY.**
8. COUNTY CLERKS OFFICE
319 N. MAPLE STREET
SUITE 121
MURFREESBORO, TN. 37130
615-898-7800
9. IF THERE IS AN ORIGINAL LAST WILL AND TESTAMENT, IT WILL BE FILED WITH THE PROBATE COURT.
10. DRESS CODE: YOU MAY BE APPEARING BEFORE THE JUDGE, SO PLEASE DRESS APPROPRIATELY. (No tank tops, shorts, spaghetti straps, t-shirts with inappropriate writing, flip-flop, hats and sunglass must be removed.)

IN THE PROBATE COURT OF RUTHERFORD COUNTY,
TENNESSEE

IN THE MATER OF

DECEASED

AFFIDAVIT AS TO SMALL ESTATE

The undersigned, _____ (“Affiant”),
pursuant to the provisions of Tennessee Code Annotated 30-4-101, et seq., would respectfully
state under oath as follows:

A. _____ (“Decedent”), age _____,
Died on the _____ day of _____, 20____, and was a resident of Rutherford
County, Tennessee, at the date of death. The Decedent’s address at date of death was: _____

B. CHECK APPROPRIATE PROVISION:

_____The Decedent left no Will.
OR
_____ The Decedent left a Will and the Will is attached to this Affidavit as Exhibit “A”.

C. The name, age address, and relationship of each heir at law or beneficiary entitled to
receive any of the Decedent’s property, including Affiant, are as follows:

<u>Name</u>	<u>Address</u>	<u>Age</u>	<u>Relationship</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

D. The following is an itemized description and the value of all the Decedent's property, excluding real estate. The names and addresses of all persons known to have possession of any of the Decedent's property are included. Insurance policies on decedent's life that are payable to the Decedent's estate are also included. Additionally included are: Bank accounts, cash, vehicles, stocks, bonds, equipment, furniture and furnishings, and all other assets of the Decedent. Assets that pass automatically by operation of law, such as joint accounts, are not included here.

<u>Items of Property</u>	<u>Location</u>	<u>Value</u>
(If necessary, attach separate sheet) Total value of Probate Estate		\$ _____

E. The following is a list of unpaid debts left by the Decedent and the name and address of each creditor and the amount due.

<u>Creditor</u>	<u>Address</u>	<u>Amount</u>
(If necessary, attach separate sheet) Total Debts of Estate		\$ _____

F. Affiant elects to give notice to creditors in the manner required on regular administrations.

_____ Yes _____ No

(If elected, all provisions of Tennessee Code Annotated 30-2-306 through 30-2-321 shall apply)

Affiant evidences by signature hereto, subject to the penalties for perjury, that the statement contained in this Affidavit are true, are neither false nor misleading, and that the Affiant is mindful of all duties imposed by law. Affiant agrees to collect and preserve all assets of the estate and to file tax returns as required by law.

Affiant also agrees to pay or reimburse funeral expenses, administrative expenses, and creditors from the assets of the estate. Furthermore, Affiant agrees to distribute the remainder of the estate in accordance with the decedent's valid Will, or if no Will, then according to the laws of descent and distributions of the State of Tennessee.

Affiant makes oath that the facts contained in the foregoing Affidavit are true and correct to the best of the Affiant's belief.

Sworn to this _____ day of _____, 20__.

Affiant

Address

Telephone Number

STATE OF TENNESSEE, RUTHERFORD COUNTY

The Affiant **personally** appeared before me, Lisa Duke Crowell,
Clerk of the Probate Court of Rutherford County, Tennessee, after being duly
Sworn, stated under oath, that the facts averred in the above affidavit are true to the best of
affiant's knowledge, information and belief.

This the _____ day of _____, 20__.

LISA DUKE CROWELL, CLERK

By _____, D.C.

NOTE: Bond shall be made for the total value of the estate as shown in © above, provided
however that bond may be waived by a Judge of the Probate Court if all heirs at law request in
writing that the bond be waived for the affiant. Since the Will is not being proved and therefore
is not admitted to Probate, a waiver requested by the Will cannot be granted.

**IN THE PROBATE COURT FOR RUTHERFORD COUNTY
MURFREESBORO, TENNESSEE**

RE: _____
Deceased

Affiant's Oath

**I, _____, do solemnly swear that I will honestly and
faithfully discharge the duties required by law for the estate of _____,
According to law, to the best of my knowledge and ability. So help me God.**

Affiant

State of Tennessee

County of Rutherford

Subscribed and sworn before me this _____ day of _____, 20__.

Notary Public At Large

My Commission Expires: _____

(PROBATE DIVISION)

**AFFIDAVIT FROM THE HEIRS &
CONSENT TO SERVE WITHOUT BOND**

IN THE ESTATE OF:

Deceased

I, _____, beneficiary of the above reference estate do hereby waive my appointment as the Personal Representative of this estate and consent to the appointment of _____ as Personal Representative of this estate, and I further state to the court that this appointment shall be **WITHOUT SURETY BOND**.

This _____ day of _____, 20__.

Signature: _____

Address: _____

Sworn to and subscribed before me this _____ day of _____, 20__.

Notary Public/Deputy Clerk

Commission Expiration Date